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# ~~Public Notice~~

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**Applicant:**  
New York State Department of  
Transportation

**Date:**  
**Published:** February 4, 2002  
**Expires:** February 25, 2002

**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

**Buffalo District CELRB-CO-R RE: 2002-00681(0) Section: NY 404**

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**Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

The New York State Department of Transportation (NYSDOT), Region 4, 1530 Jefferson Road, Rochester, New York, 14623-3161, has submitted a conceptual plan for the construction of a consolidated wetland mitigation bank which is to be constructed on two sites in Wayne County, New York. The first site is located north of South Butler Road in the Town of Butler. The second site is located southeast of the route 89 bridge of Crusoe Creek in the Town of Savannah. The purpose of the proposed wetland mitigation bank is to restore wetlands in a historically wet area in order to provide compensatory mitigation for impacts to wetland resources which will result from future NYSDOT projects.

Under Section 404 of the Clean Water Act, applicants for Department of the Army permits to discharge dredged or fill material into waters of the United States, including wetlands, are often required to mitigate for permitted losses by creating, restoring, enhancing, or, in exceptional circumstances, preserving wetlands, on or near the site(s) of impact. The proposed wetland mitigation bank will provide the Corps and the NYSDOT an additional option for compensatory mitigation of wetland losses.

The NYSDOT proposes to restore a total of approximately 42 acres of previously modified wetland areas. The restored wetland areas will include primarily emergent marsh habitat. Site #1 (Parcel #1) will include approximately 15 acres of restored wetland and Site #2 (Parcel #2) will include approximately 27 acres of restored wetland.

The NYSDOT proposes a service area for the mitigation bank to include Wayne, Monroe, Ontario and Livingston Counties, New York. The final service area for use of the mitigation bank, if created, will be determined by the Mitigation Bank Review Team, which includes representatives from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, the New York State Department of Environmental Conservation and the Federal Highway Administration. Use of the mitigation bank for projects outside of the final service area may be approved on a case-by-case basis.

The NYSDOT has proposed the creation of one wetland mitigation

credit for every acre of wetland restored. Final determination of credit allotment will be made by the Mitigation Bank Review Team.

The NYSDOT, when proposing to compensate for wetland losses at the mitigation bank, will be subject to the same level of review as other applicants, and will be required to avoid or minimize impacts to aquatic resources to the maximum extent practicable, in accordance with the U.S. Environmental Protection Agency Guidelines for Specification of Disposal Sites for Dredged or Fill Material (40 CFR Part 230). Use of the mitigation bank will be permitted if the Corps determines that it is environmentally preferable to on-site mitigation, or if it is appropriate to use a combination of on-site mitigation and the proposed mitigation bank.

The Corps will determine appropriate mitigation ratios on a case-by-case basis. It is anticipated that at least 1.5 credits will be required for every acre of wetland impact permitted. However, the Corps may, at its discretion, require higher ratios depending on the quality of the wetlands to be impacted, or reject any proposal to use the bank and require an alternate mitigation plan.

Monitoring of the success of the mitigation bank will occur for five years following construction. Thereafter, the mitigation bank will be managed as a naturally functioning wetland system. Use of the mitigation bank to compensate for wetland losses will cease when all available credits have been sold.

The parcels on which the bank will be constructed are owned by the NYSDEC and are part of the Northern Montezuma Wildlife Management Area. The proposed work will be funded by the NYSDOT and will be managed by the NYSDEC in accordance with the management plan developed for the Northern Montezuma Wildlife Management Area.

Final design plans for the construction of the mitigation bank have not been prepared as of this date. Construction activities for mitigation banks may often be authorized under a Nationwide permit. If, however, the final design plans for this project show that the scope of the construction activities exceeds the terms and conditions of a Nationwide permit, an additional Public Notice will be issued by this office to allow for comment on the design specifics.

A complete copy of the mitigation bank prospectus can be reviewed, by appointment, at the following locations:

U.S. Army Corps of Engineers  
1776 Niagara Street  
Buffalo, New York 14207-3199  
(716) 879-4314

New York State Department  
of Environmental Conservation  
Region 8 Office  
6274 East Avon-Lima Road  
Avon, New York 14414-9519  
(585) 226-2466

U.S. Army Corps of Engineers  
Auburn Field Office  
7413 County House Road  
Auburn, New York 13021  
(315) 255-0143

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Steven V. Metivier, who can be contacted by calling (716) 879-4314, or by e-mail at: [steven.v.metivier@usace.army.mil](mailto:steven.v.metivier@usace.army.mil)

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Steven V. Metivier, or by e-mail at: [steven.v.metivier@usace.army.mil](mailto:steven.v.metivier@usace.army.mil). A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

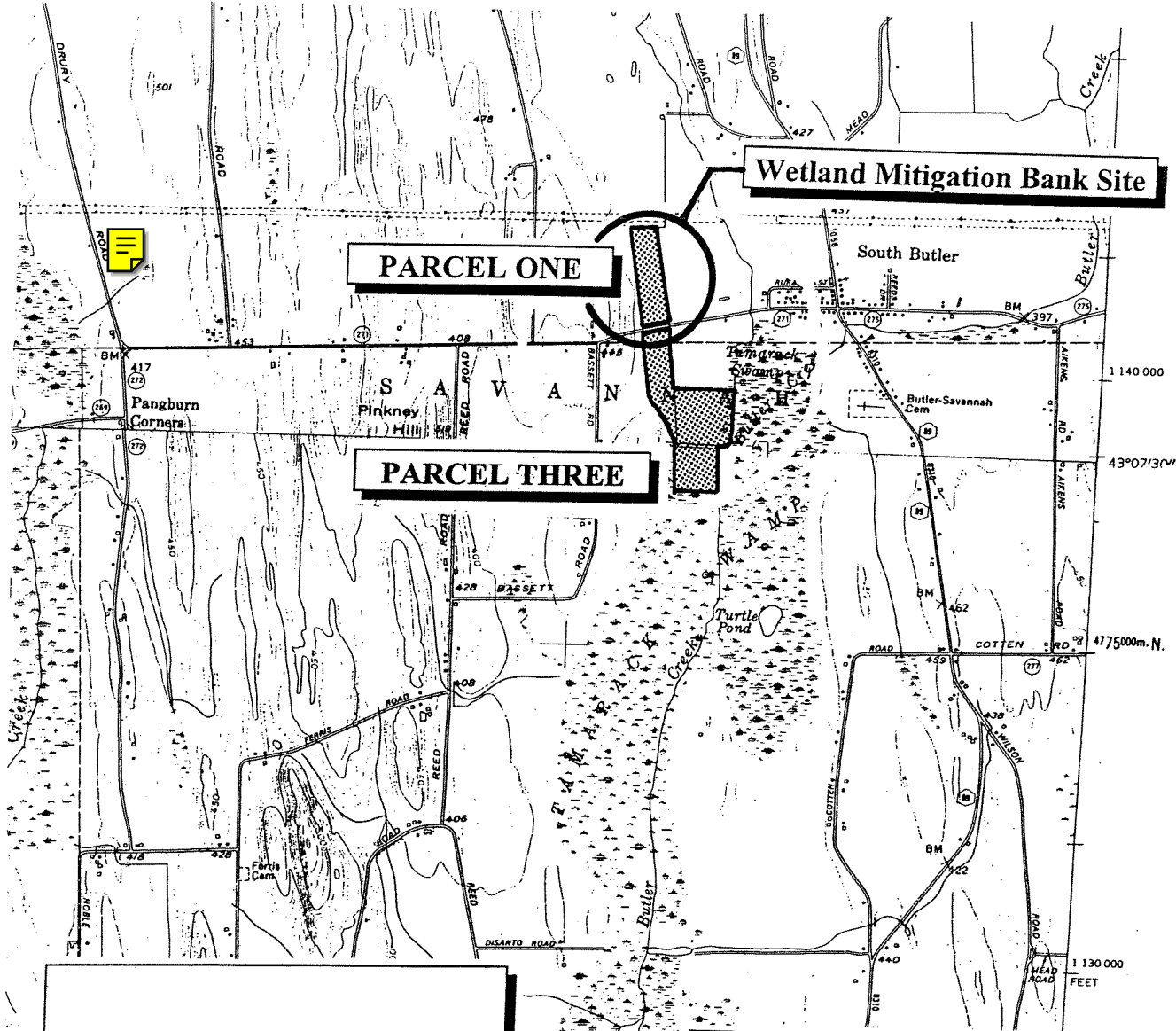
Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 21 days from the date of issuance.



**Wetland Mitigation Bank Site**

**PARCEL ONE**

**PARCEL THREE**

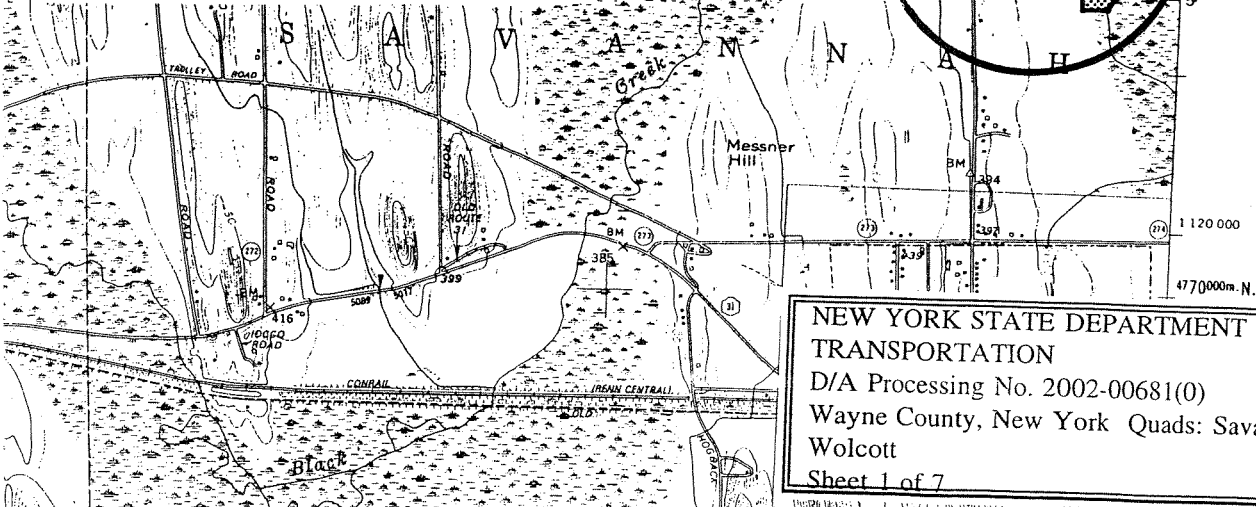
**WETLAND MITIGATION BANK  
LOCATION MAP**

Savannah and Wolcott USGS  
Quadrangle Maps



**Wetland Mitigation Bank Site**

**PARCEL TWO**



NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION  
D/A Processing No. 2002-00681(0)  
Wayne County, New York Quads: Savannah and  
Wolcott  
Sheet 1 of 7

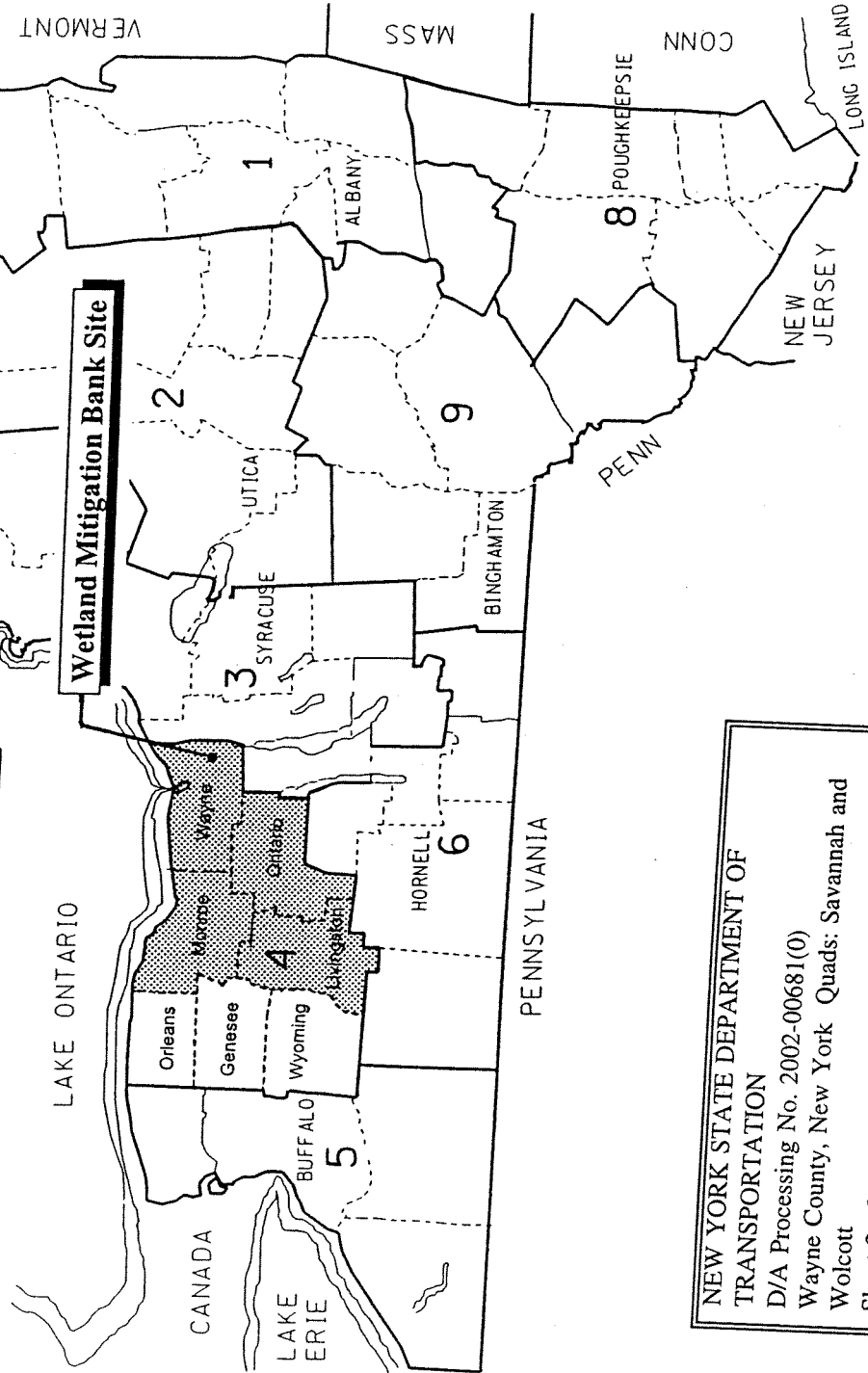
# EXHIBIT C

## SERVICE AREA OF WETLAND MITIGATION BANK



North  
No Scale

Service Area corresponds with the boundaries of  
Monroe, Livingston, Ontario and Wayne Counties



NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION

D/A Processing No. 2002-00681(0)

Wayne County, New York Quads: Savannah and  
Wolcott

Sheet 2 of 7

**New York State  
Department of Transportation  
Wetland Mitigation Bank**

**Conceptual Design Plan**

Base Plan information was obtained from aerial  
photogrammetric mapping prepared for the New  
York State Department of Environmental  
Conservation, Northern Montezuma Wetland  
Survey No. 7-59-432.

Horizontal Datum: New York Coordinate System,  
Central Zone (NAD 27).

Vertical Datum: Sea Level Datum of 1929.

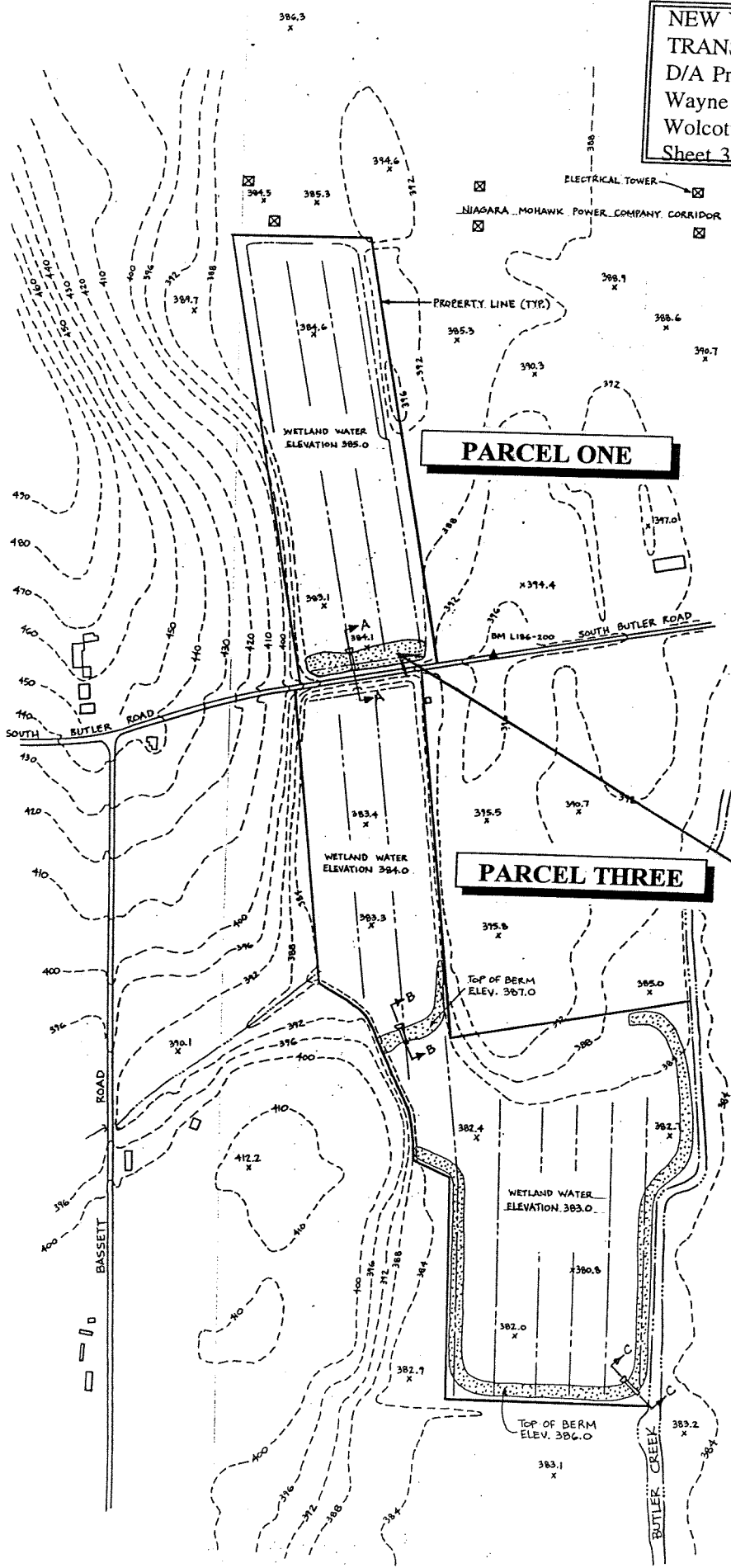
Designed By: David Odell, DEC Region 8  
Thomas Martin, DOT Region 4

Drawn By: Thomas Martin, DOT Region 4

Date: December 26, 2001

200 0 200 400 600  
Scale in Feet

Contour Interval: 4' Below 400'  
10' Above 400'



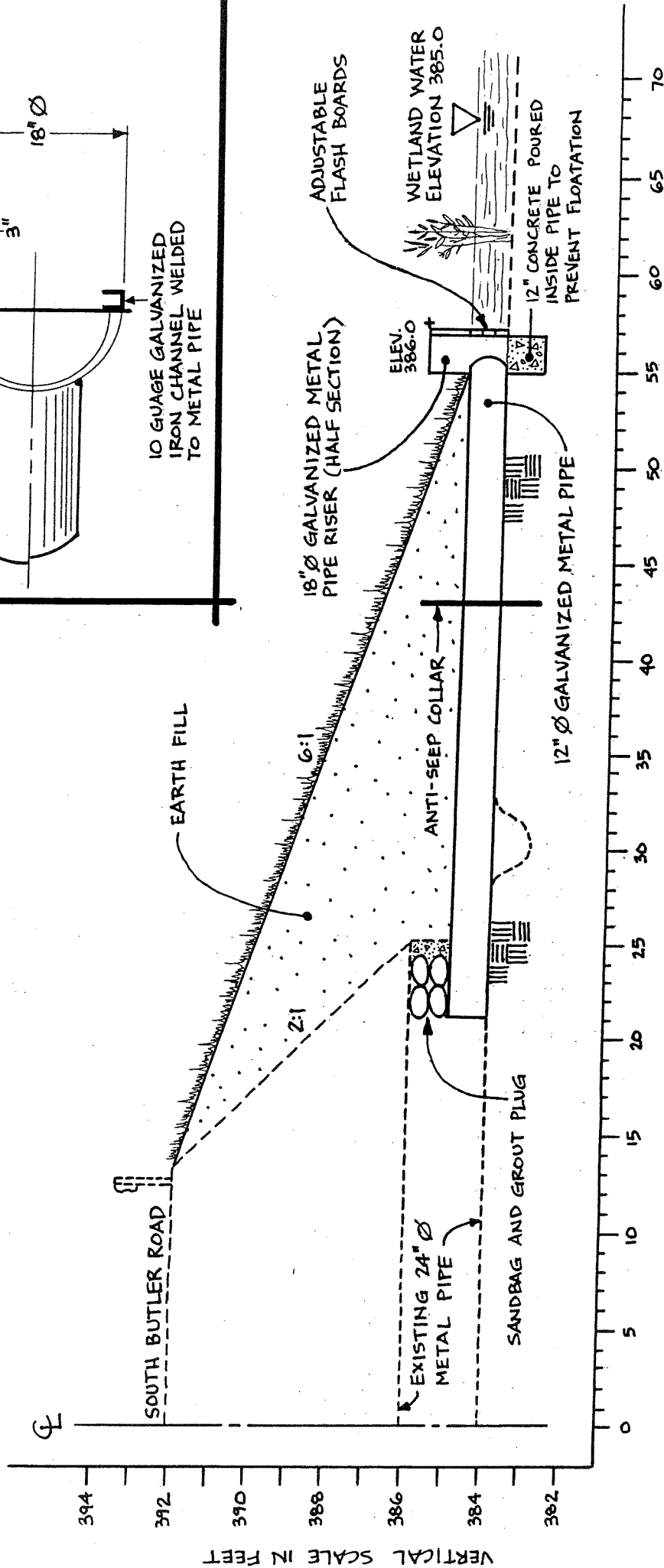
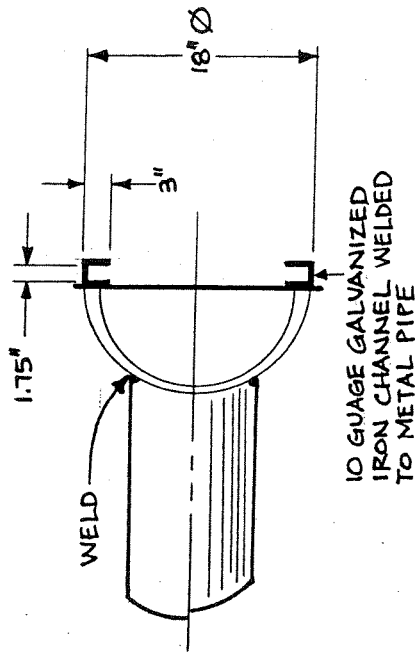
Proposed Berm

New York State Department of Transportation  
Wetland Mitigation Bank  
Conceptual Design Plan

Designed By: Thomas Martin, DOT Region 4

Date: December 26, 2001

RISER DETAIL - PLAN VIEW  
N.T.S.



HORIZONTAL SCALE IN FEET

BERM / WATER CONTROL STRUCTURE - SECTION VIEW A-A

NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION  
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Wayne County, New York Quads: Savannah and  
Wolcott  
Sheet 4 of 7

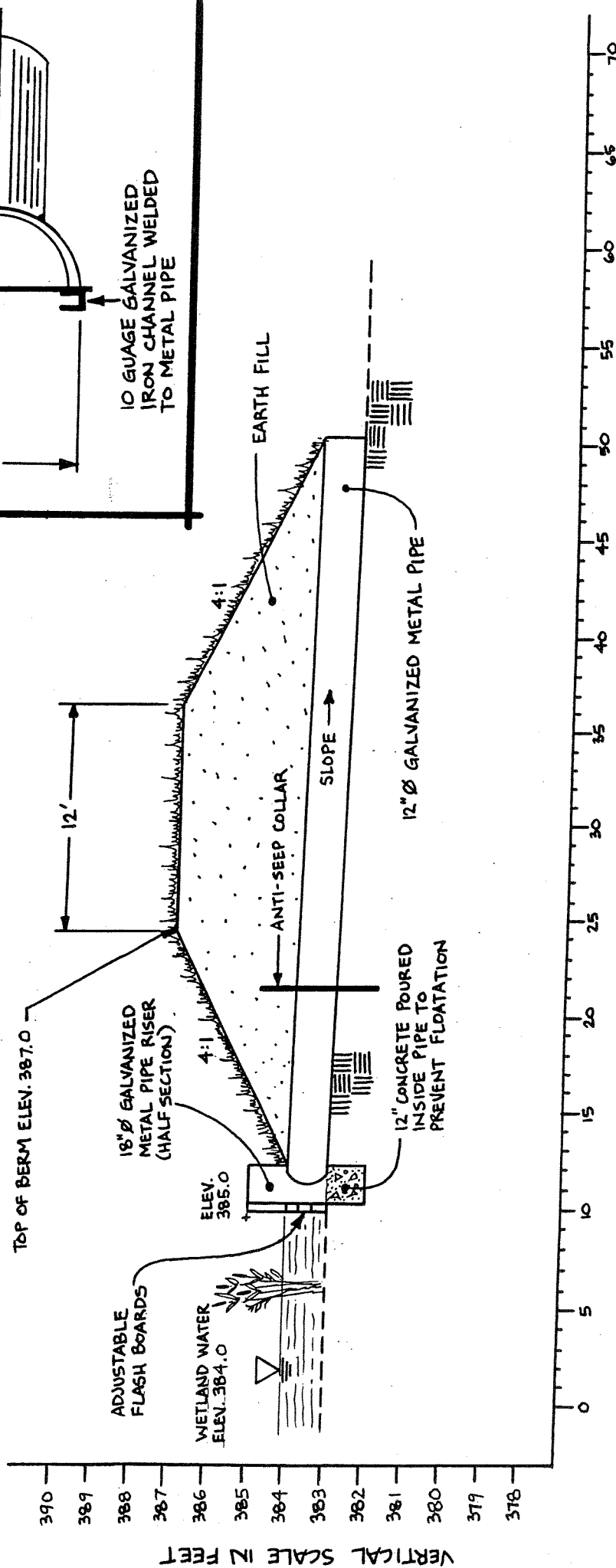


New York State Department of Transportation  
Wetland Mitigation Bank  
Conceptual Design Plan

Designed By: Thomas Martin, DOT Region 4

Date: December 26, 2001

BEGIN AND END BERM AT ELEVATION 387.0



HORIZONTAL SCALE IN FEET

BERM/WATER CONTROL STRUCTURE - SECTION VIEW B-B

NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION

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Wayne County, New York Quads: Savannah and  
Wolcott

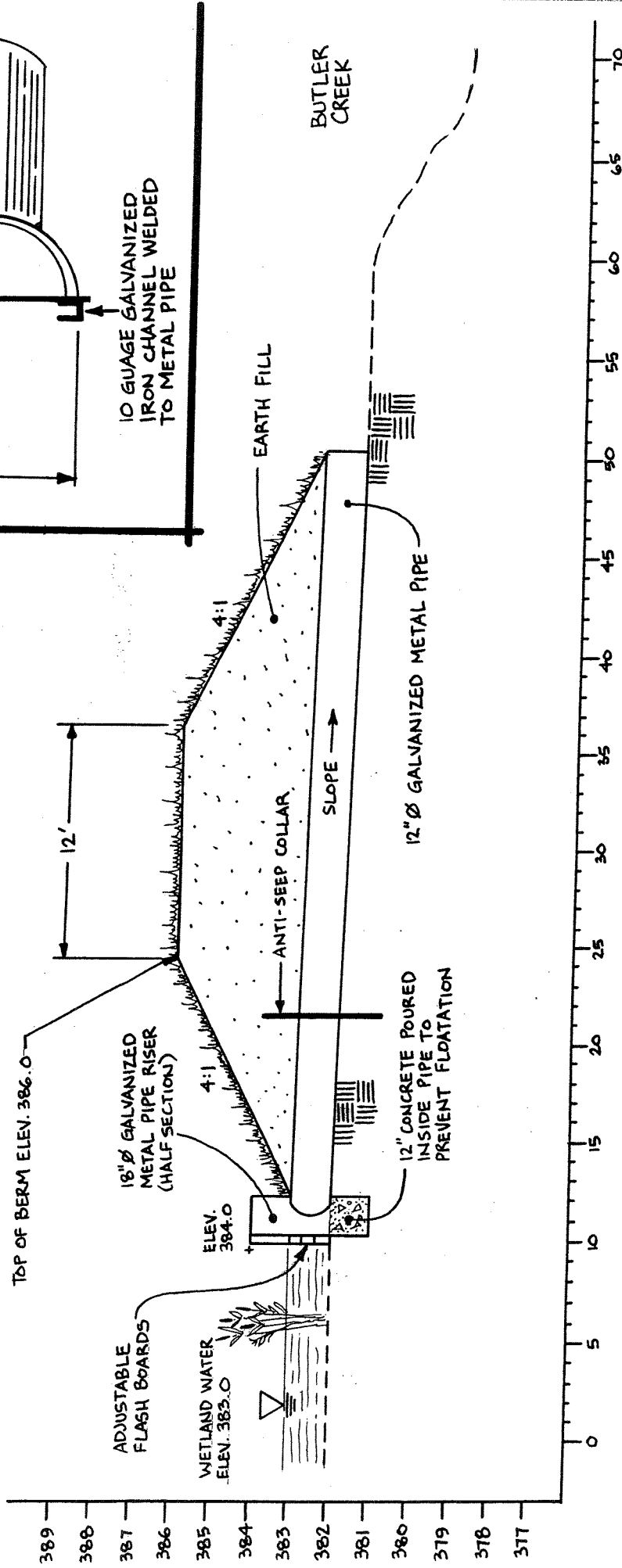
Sheet 5 of 7

New York State Department of Transportation  
Wetland Mitigation Bank  
Conceptual Design Plan

Designed By: Thomas Martin, DOT Region 4

Date: December 26, 2001

BEGIN AND END BERM AT ELEVATION 386.0

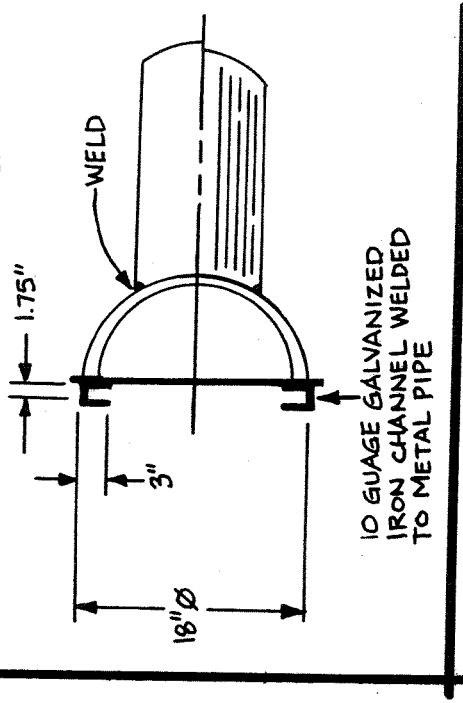


HORIZONTAL SCALE IN FEET

BERM/WATER CONTROL STRUCTURE - SECTION VIEW C-C

NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION  
D/A Processing No. 2002-00681(0)  
Wayne County, New York Quads: Savannah and  
Wolcott  
Sheet 6 of 7

RISER DETAIL-PLAN VIEW  
N.T.S.



NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION  
D/A Processing No. 2002-00681(0)  
Wayne County, New York Quads: Savannah and  
Wolcott  
Sheet 7 of 7

**SITE WORK SHOWN ON THE  
WEST SIDE OF ROUTE 89 IS NOT  
PART OF PARCEL TWO**

**DIKE CONSTRUCTION  
TYPICAL SECTION  
Detail B-B**

TYPICAL SECTION DITCH SECTION

**DIKE CONSTRUCTION  
TYPICAL SECTION  
Detail B-B**

DIKE RECONSTRUCTION  
TYPICAL SECTION  
Detail A-A

NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION  
D/A Processing No. 2002-00681(0)  
Wayne County, New York Quads: Savannah and  
Wolcott  
Sheet 7 of 7

**SITE WORK SHOWN ON THE  
WEST SIDE OF ROUTE 89 IS NOT  
PART OF PARCEL TWO**

PROJECT PLAN VIEW

## PARCEL TWO

**DIKE CONSTRUCTION  
TYPICAL SECTION  
Detail B-B**

TYPICAL SECTION DITCH SECTION

# WETLAND RESTORATION PLAN FOR PARCEL TWO

